

REMARKS

Claims 1-34 remain in the application. Claims 1, 19 and 31 are in independent form. Claim 35 is cancelled. Claims 13-15, 17 and 29-30 are objected to as being dependent upon a rejected base claim.

Claim Rejections Under 35 U.S.C. §102

Claims 1 and 18-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Yonemoto (U.S. Patent 4,635,958).

Yonemoto discloses a torsion bar suspension system. One end of the torsion bar (300) is splined (325) for connection to an adjustment lever (100). The splined feature is considered analogous to the Applicant's disclosed hexagonal fitting. A typical screw-type adjusting mechanism (600) acts on the tip portion (122) of the adjustment lever (100).

Considering the amended independent Claims 1 and 19, Yonemoto fails to disclose any type of indexing system that is operatively disposed between and directly interconnecting the splined torsion bar connection and the adjustment lever (100). In other words, the claimed indexing system of the Applicant's invention, as now clearly recited in independent Claims 1 and 19, resides as a functional feature interposed between the torsion bar connection (be it splined, hexed or otherwise) and the adjustment lever *per se*. The Applicant's novel indexing system provides intermediate adjustment positions which are smaller than the angular increments provided by the torsion bar connection feature alone. Therefore, even though Yonemoto's splined connection (325) includes more "first" angular increments than does the Applicant's disclosed embodiment, there is still nothing disclosed or suggested in Yonemoto to provide for intermediate (i.e., second) angular increments which are smaller than the first angular increments provided through the splined connection.

Thus, Yonemoto fails to teach every feature recited in independent Claims 1 and 19. For this reason, it is respectfully submitted that the rejection under 35 U.S.C. §102(b) based on Yonemoto has been overcome.

Claim Rejections Under 35 U.S.C. §103

Claims 2-12, 16, 20-28 and 31-35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yonemoto (U.S. Patent 4,635,958) in view of Kataoka (U.S. Patent 4,243,247).

Kataoka discloses a torsion bar suspension system substantially different from that depicted in Yonemoto. The Kataoka design employs a nested torsion bar and torsion tube arrangement which appears to provide a compact design. Kataoka represents an alternative to the prior art systems which include an adjustment lever. Kataoka has eliminated the adjustment lever from its system entirely, and instead relies upon the incremental teeth provided on an adaptor (64).

As has been well settled, a *prima facie* case of obviousness requires the Patent Office demonstrate three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations.

Of these basic criteria, at least the first two have not been met in this case. Firstly, there is no suggestion or motivation to combine the Kataoka and the Yonemoto reference teachings. This is because both references represent divergent teachings which would be used in alternate applications, rather than in a combined setting. See, for example, Figures 1 and 2 of Kataoka, in

which the lever arm type design of Yonemoto is depicted as prior art. Kataoka goes on to describe its alternative approach to the prior art/Yonemoto type systems. Similarly, Yonemoto fails to accommodate a transverse type nested torsion system like that described in Kataoka. Accordingly, neither reference motivates a combination of teachings with the other. In fact, to combine the teachings would only be considered redundant by those of skill in the art.

Secondly there is no reasonable expectation of success should the reference teachings be combined in the manner as suggested in the Office Action. A lack of successful expectation is evident from the fact that both Kataoka and Yonemoto describe alternative approaches to solving the same problem. Therefore, to combine their teachings would result in a system whose functionality could not adequately be predicted by those of skill in this art.

Accordingly, it is respectfully submitted that the rejection of Claims 2-12, 16, 20-28 and 31-35 under 35 U.S.C. §103(a) over Yonemoto in view of Kataoka is inappropriate and should be withdrawn for failure to establish a *prima facie* case of obviousness.

The rejection against Claim 35 is moot in view of the fact that the claim has been cancelled.

Notwithstanding the inadequacy of the current rejection under 35 U.S.C. §103(a), the Applicant has amended the remaining independent Claims 1, 19 and 31 to more clearly recite and positively set forth the novel aspects of the subject invention. In particular, the invention describes and claims an adjustment lever style torsion suspension system, in which a secondary, finely tunable adjustment feature is interposed between the torsion bar connection and the adjustment lever *per se*. In Independent Claims 1 and 19, this feature is expressed as an indexing system. In independent Claim 31, the feature is expressed as a hub connection. In all instances, the claimed limitations describe novel, unobvious combinations which are neither shown nor

described nor suggested in the cited prior art. Accordingly, it is respectfully submitted that the pending claims, as amended, are here now presented in condition for allowance.

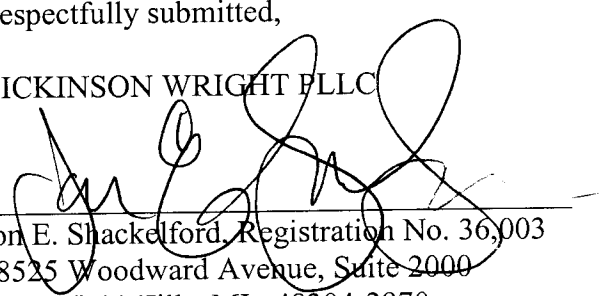
Reconsideration of this application as amended is respectfully requested.

It is believed that this application is now in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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Date: 11-22-2006

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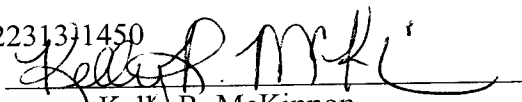
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on 11-22-06


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